IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MMB Docket No. **1781-0017**

Urquhart Reference: **SJB/P011755US**

Confirmation No. **5890**

Application of: **Farrar et al.**

Group Art Unit: **3775**

Serial No. **10/524,800**

Examiner: **Nicholas W. Woodall**

Filed: **January 17, 2006**

For: **Guide Block for Use in Surgery**

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APPEAL BRIEF

Commissioner for Patents
Alexandria, VA

Sir:

This is an appeal to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office from the final rejection of the claims 1-13 of the above-identified patent application. These claims have been finally rejected in an Office Action dated March 16, 2010. Please charge any and all government fees required for the

filing of this Appeal Brief to Deposit Account No. 13-0014. Also, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

(1) REAL PARTY IN INTEREST

DePuy International Limited of Leeds, United Kingdom is the assignee of this patent application, and the real party in interest.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

Claims 1-13 are pending in the application.

Claims 1-13 are finally rejected.

Claims 1-13 are being appealed.

Claims 1-13 are shown in the Claim Appendix attached to this Appeal Brief.

(4) STATUS OF AMENDMENTS

Appellants have filed no amendments subsequent to the final rejection contained in the Office Action mailed March 16, 2010.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is summarized as follows:

One aspect of Appellant's invention relates to a surgical assembly comprising a guide block 2 which comprises (i) a fixation part 4 configured to be fastened directly to a patient's tissue, and (ii) a guide part 6 having at least one tool engagement guide surface, the guide part 6 being mounted in relation to the fixation part 4. (See, e.g., Appellants' Figs. 1-2; and specification at page 6, lines 11-23.) The guide block 2 further comprises at least two drives 22, 24, 26 configured to adjust the position of the guide part 6 relative to the fixation part 4, so that the position of the guide part 6 relative to the fixation part 4 can be adjusted in at least two degrees of freedom. (See, e.g., Appellants' Figs. 1-2; and specification at page 7, lines 10-13.) In addition, the guide part includes at least one position indicator 30 which is supported by and fixed relative to the guide part 6. (See, e.g., Appellants' Figs. 1-2; and specification at page 7, lines 14-16.) The surgical assembly also includes at least one position monitor 32 configured to track the location of the position indicator 30, so that the position of the guide part 6 relative to a reference point can be determined. (See, e.g., Appellants' Fig. 2; and specification at page 7, lines 20-24.) Furthermore, the surgical assembly includes a signal generator 36 which is connected to the drives 22, 24, 26 and configured to generate position signals which are transmitted to the drives to cause the guide part 6 to be moved relative to the fixation part 4 to a desired position relative to the reference point. (See, e.g., Appellants' Fig. 2; and specification at page 7, lines 23-27.) The surgical assembly further includes a surgical tool 11 having a bone contacting cutting structure positioned in engagement with the tool

engagement guide surface of the guide part 6 during use of the surgical tool. (See, e.g., Appellants' Figs. 1-2; and specification at page 6, lines 17-20; page 5, lines 14-27; page 2, line 25 through page 3, line 2; page 2, line 18-24; page 8, last three lines; and page 9, lines 1-2.)

Claims Dependent on Claim 1 are summarized as follows:

The guide block 2 includes at least three drives 22, 24, 26 configured to adjust the position of the guide part 6 relative to the fixation part 4, so that the position of the guide part 6 relative to the fixation part 4 can be adjusted in at least three degrees of freedom. (See, e.g., Appellants' Figs. 1-2; and specification at page 7, lines 10-13.) The fixation part 4 of the guide block 2 includes a housing which is hollow, and in which the drives 22, 24, 26 are located inside the housing. (See, e.g., Appellants' Figs. 1-2; and specification at page 3, lines 8-9.) The guide block 2 includes connector shafts which extend from the fixation part 4 to the guide part 6, which are moved relative to the fixation part 4 by respective ones of the drives 22, 24, 26 to cause the location of the guide part 6 to be adjusted. (See, e.g., Appellants' Figs. 1-2; and specification at page 3, lines 9-12.) The fixation part 4 includes means for adjusting the drives 22, 24, 26 which are accessible from outside the housing. (See, e.g., Appellants' Figs. 1-2; and specification at page 3, lines 12-15; and page 6, line 24 through page 7, line 4.) The bone contacting cutting structure of the surgical tool is a saw blade. (See, e.g., Appellants' Figs. 1-2; and specification at page 6, lines 17-20; page 5, lines 14-27; page 2, line 18-24; and page 8, last three lines.) The bone contacting cutting structure of the surgical tool is alternatively a drill bit. (See, e.g., Appellants' Figs. 1-2; and specification at page 2, line

25 through page 3, line 2; and page 9, lines 1-2.) The fixation part 4 has at least one opening 8 extending through it in which a fastener can be located for fixing the fixation part 4 to the patient's tissue. (See, e.g., Appellants' Figs. 1-2; and specification at page 3, lines 15-17.) The fixation part 4 has a plurality of openings 8 extending through it in which fasteners can be located for fixing the fixation part 4 to the patient's tissue. (See, e.g., Appellants' Figs. 1-2; and specification at page 3, lines 15-17.) At least one of the drives 22, 24, 26 includes at least one threaded shaft on one of the fixation part 4 and the guide part 6, and a threaded bore in the other of the fixation part 4 and the guide part 6 in which the threaded shaft can be received, in which the position of the guide part 6 relative to the fixation part 4 can be adjusted by rotating the at least one threaded shaft relative to the threaded bore. (See, e.g., Appellants' Figs. 1-2; and specification at page 3, lines 19-25.) The at least one of the drives 22, 24, 26 includes a knob which can be engaged manually to cause relative rotation between the at least one threaded shaft and the threaded bore. (See, e.g., Appellants' Figs. 1-2; and specification at page 4, lines 6-7.) The guide block 2 further includes an electric motor configured to cause relative rotation between the at least one threaded shaft and the threaded bore. (See, e.g., Appellants' Figs. 1-2; and specification at page 4, lines 19-22.) The guide block 2 further includes a flexible drive shaft connected to the guide part 6, through which rotational motion can be imparted to the guide part 6 from a remote location to cause relative rotation between the at least one threaded shaft and the threaded bore. (See, e.g., Appellants' Figs. 1-2; and specification at page 4, lines 8-12.)

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-13 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1 and 3-9 were rejected under 35 U.S.C. § 102 as being anticipated by Hauri et al. (WIPO Publication WO 00/00093) (hereinafter "Hauri").

Claims 1, 2, 4-6, 8, and 10-13 were rejected under 35 U.S.C. § 103 as being unpatentable over DeOrio et al. (U.S. Patent No. 5,681,316) (hereinafter "DeOrio") in view of Hauri.

(7) ARGUMENT

I. Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1-13 do not Fail to Comply with the Written Description Requirement set forth in 35 U.S.C. § 112, First Paragraph

Claims 1-13 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner stated in the Office Action that '[t]he claims have been amended to require the invention to further include a surgical tool for cutting, which is not supported by the disclosure as originally filed.

35 U.S.C. § 112, first paragraph, reads as follows:

> [t]he specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

In an amendment filed on May 20, 2009, Appellants amended claim 1 to add the following element:

> a surgical tool having a bone contacting cutting structure positioned in engagement with the tool engagement guide surface of the guide part during use of the surgical tool.

Appellants' specification as originally filed contains the following paragraphs (Bolding and italics added for emphasis):

Page 6, Lines 17-20
The guide part 6 of the fixation block has a slot 10 in it. The slot extends through the guide part so that ***a blade inserted into the slot can extend through it and be used to cut a bone*** to which the guide block is fixed. The slot will be dimensioned ***so that the blade is a sliding fit***, as in existing cutting blocks.

Page 5, Lines 14-27

The guide block of the invention finds particular in orthopaedic surgery where accurate positioning of instruments used in surgery, and of prosthesis components, is vitally important. For example, ***the guide block of the invention can be used to locate a saw relative to anatomical features***, especially on a bone, for a resection step. For example, it can be used to locate the plane for the resection of the tibia in the implantation of a knee joint prosthesis. In this procedure, ***a guide block will have a surface against which a saw blade can be positioned***, especially a pair of surfaces which define a slot. The guide block is fastened to the tibia in approximately the correct location relative to previously identified anatomical landmarks, for example by three bone screws which pass through fixation holes in the fixation part of the block. The guide block will include three drives by which the location of the guide part can be adjusted relative to the fixation part. A first drive can adjust the anterior-posterior tilt of the guide part. The second drive can adjust the medial-lateral tilt of the guide part. The third drive can adjust the spacing between the guide and fixation parts along a desired axis, for example essentially along the patient's anatomical axis.

Page 2. line 25 through Page 3, Line 2

The structural feature can comprise an opening in which a drill bit can be inserted. The guide part of the block can provide more than one opening for a drill bit, for example two or three openings. The guide block of the invention can be used in this way to locate accurately a position for an implant, or for another surgical tool which is to be fastened to a patient's bone or other tissue, for example by means of screws.

Page 2, Lines 18-24

In the guide block of the invention, ***the structural feature can comprise a guide surface which can be engaged by a cutting tool such as a blade*** to define the appropriate alignment for a cut. When the guide surface is planar, it will define a cutting plane. However, it can be curved or otherwise non-planar, so that the patient's tissue is cut along a curved line. It might also have two parts which define separate cut lines, which might but need not intersect. The structural feature can comprise a pair of closely spaced guide surfaces which define between them a slot in which a blade can be inserted.

Page 8, Last three lines

Claim 6. A guide block as claimed in claim 1, in which ***the structural feature comprises a guide surface which can be engaged by a blade*** to define the appropriate alignment for a cut.

Page 9, Lines 1-2

Claim 7. A guide block as claimed in claim 1, in which ***the structural feature comprises an opening in which a drill bit can be inserted***.

Based on the above disclosure, it is clear one skilled in the art would be able to make and use the invention of claim 1 which includes "a surgical tool having a bone contacting cutting structure positioned in engagement with the tool engagement guide surface … ." The public was clearly put in possession of the invention of claim 1 by the teachings contained in Appellants' patent specification. Accordingly, claim 1 comports

with 35 U.S.C. § 112, first paragraph. Claims 2-13 also comport with 35 U.S.C. § 112, first paragraph, for the same reasons set forth above.

II. Rejection under 35 U.S.C. § 102 (Hauri)

Claims 1 and 3-9 are not unpatentable under 35 U.S.C. § 102 as being anticipated by Hauri

Discussion re: Patentability of Claim 1

Hauri Does Not Disclose at least One Position Indicator Supported By the Guide Part as called for in Claim 1

Claim 1 recites the following:

"a guide block which comprises:

...

d. at least one position indicator which is supported by and fixed relative to the guide part."

Claim 1 recites that the at least one position indicator is *supported by* the guide part. Having the at least one position indicator supported by the guide part contributes significantly to the accuracy in which the guide part may be located. Indeed, prior art systems such as disclosed in Hauri do not provide a position indicator on the guide part itself, but rather its position indicator is located several components upstream in the system which injects the likelihood of error into any position determination being made by such a system. It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since

Hauri does not disclose each and every element of Applicants' claim 1, Hauri does not anticipate Applicants' claim 1.

The Examiner, however, asserts that Hauri does disclose this feature. Specifically, as set forth in the Office Action (at page 6, lines 15-19), the Examiner states that he "is interpreting element 10g as the position indicator … and element 10g is directly supported and fixed to the guide part." However, even if the base bar 10g of Hauri can somehow be interpreted to be the "at least one position indicator," the base bar 10g is not "supported by" a guide part (equated with Hauri's *saw jig 11* - see Fig. 12) as called for in claim 1. Indeed, as shown in Figs. 10-11, the element 10g (base bar) is a component of a device 10 that is fixable in relation to component 10e at any position in the direction of displacement 10d. The element 10g (base bar) can carry another component that depends downwardly from it such as an adapter bar 10h (see Figs. 10-11). Yet another component that can be carried by the element 10g (base bar) so that it depends downwardly therefrom is the sawing jig 11 as shown in Fig. 12. Significantly, the element 10g (base bar) is not *supported by* the sawing jig 11. Rather, the sawing jig 11 is hanging or depending downwardly from the element 10g (base bar). An object that hangs from or depends from a component does not support the component from which it hangs or depends. Thus, the element 10g (base bar) is not *supported by* the sawing jig 11.

Thus, Hauri does not disclose at least one position indicator *supported by* the guide part as called for in claim 1. Therefore, for at least this reason, Hauri does not anticipate Applicants' claim 1.

Hauri Does Not Disclose at least One Position Monitor as called for in Claim 1

Claim 1 further requires:

> at least one position monitor configured to track the location of the position indicator, so that the position of the guide part relative to a reference point can be determined … .

In an attempt to identified structure that meets the limitation of "at least one position monitor" as called for in claim 1, the Examiner stated (at page 3, last three lines) that:

> Hauri discloses … at least one position monitor (17f) for tracking the location of the position indicator to position the guide part relative to a reference point, … .

The sensors 17f (equated with the position monitor) (see Hauri's Fig. 14), however, are not "configured to track the location of the base bar 10g (equated with the position indicator) *so that the position of the sawing jig 11 (equated with the guide part) relative to a reference point can be determined.*" Rather, the base bar 10g (without the adapter part 10h secured thereto) is moved to contact the front of the femur 1 … *so that the position of the front of the femur can be determined.* (See Hauri at column 10, lines 26-32.) (See also Office Action at page 6, lines 15-18.) The sawing jig 11 (equated with the guide part) is not even connected to the base bar 10g when the base bar is being used to determine the position of the front of the femur. Thus, Hauri fails to disclose "at least one position monitor configured to track the location of the position indicator, so that the position of the guide part relative to a reference point can be determined." Consequently, for at least this reason as well, Hauri does not anticipate Appellants' claim 1.

Further Discussion

Hauri discloses an instrument system for preparing a knee for implantation of femoral and tibial components. The system includes a reference device 5 which can be attached, directly or indirectly, to the femur. It has a guide opening 5z in which a toothed rod 10a can slide, aligned with the superior-inferior axis. The rod can be driven along the S-I axis by means of a knurled screw 5v. A base bar 10g is attached to the toothed rod, and the knurled screw 5v provides X-axis adjustment of the bar. The bar can be adjusted along the anterior-posterior axis by means of a second knurled screw 10f which acts on a second toothed rod 10c. Different instruments can be mounted on the base bar. (See, e.g., Figs. 11 and 12).

Fig. 14 provides brief details of how the system can be controlled by means of a computer. This is achieved by attaching a disc 17e to the shaft 17c of a drive motor, with sensors 17f to measure the angle through which the disc and shaft turn. The drive motor is connected to the knurled screws by means of a flexible shaft 17a. In this way, the extent of any movement of the knurled screws can be monitored by measuring the angular displacement disc on the drive shaft 17c using the sensors. The computer can be used to record positions of the base bar (as when measuring the shape of the bone) or to generate drive signals which move the base bar to a desired position (as when positioning an instrument used in a cutting step.)

When the measuring stylus is fixed in relation to the base bar, the base bar can be moved so that the stylus contacts the surface of the bone. A scan of the bone surface can be generated by recording the positions to which the base bar and the stylus are moved.

This scan can then be used subsequently to position the base bar when it is fitted with a saw guide.

The invention of claim 1 makes use of a position indicator which is supported by the guide part itself. This is in contrast to the Hauri system in which the position indicator is provided on the drive shaft of a remote drive motor. In both systems, it is necessary for a control computer to be provided with the coordinates of a desired position for the guide part. Hauri provides details of a data gathering step (using the stylus) which can be used when planning the procedure defining that desired position.

In contrast to the invention of claim 1, Hauri is concerned with a technique in which its guide part is moved to a desired position which is programmed into the control computer which then generates appropriate signals to move the guide block from its current position to the desired position. Achieving the movement to that position requires that the difference between the current position and the desired position is known accurately. It also requires that the movement from that position to the desired position is sufficiently controlled through the drive imparted by the drive motor, through the flexible shaft.

The invention of claim 1 enables greater accuracy by virtue of the position indicator being supported by the guide part itself. This enables the actual position of the guide part to be monitored at all times, allowing the actual position of the guide part to be fine tuned so that the difference between the actual position and the ultimate desired position be minimized towards zero. This helps minimize inaccuracy.

It is clear that the disc 17e is not a position indicator which is supported by and fixed in relation to the base bar (or anything else that is fixedly attached to the base bar);

the base bar and the disc having various components interposed such as the shaft 17a which is described as being flexible.

Hauri clearly does not contemplate providing a position sensor which is supported by the sawing jig 11 shown in Fig. 12. It is important for the operation of his system that the sensing components are provided upstream of the drives (rather than downstream on the driven object). This is because the sensing components are used with different components on the base bar, and in both the data collection phase of a procedure, and the subsequent implementation of the procedure.

Hauri therefore omits significant features which contribute significantly to the accuracy with which a cutting guide can be located. The Hauri document teaches a device which requires that sensor components (the disc and the sensor for the disc) are located away from the system component whose position is ultimately to be controlled. This requirement flows directly from the use of the sensor components in a system to monitor the position of a number of different components, connected at different times to the base bar. It is also consistent with the teachings of the Hauri document to place control components in the non-sterile area of an operating theater so as to minimize cleaning requirements.

Hauri discloses another embodiment in Fig. 13 in which a saw is fastened to the base bar by means of an articulating arm. The position of the sawing plane can be adjusted where the articulating arm is mechanically coupled to the base bar; this coupling can be controlled by means of another knurled screw. In this embodiment, sensors can be provided in the joints of the articulating arm to provide position information for the saw blade. The saw is powered through a cable 14b. However, it appears that the position of

the saw, as with the sawing jig 11 in Fig. 12, is not monitored directly; all of the position information for the saw is generated upstream of the saw itself, with the possibility of error due to linkages between the instrument and the component where the position data is generated.

Thus, Hauri teaches away from the idea of providing a position indicator that is supported by the guide part of a guide block. Rather, it only teaches providing position indicators on components to which surgical instruments are mechanically coupled where those couplings are flexible. This is a requirement of the Hauri system where sensors are associated with drive motors which are required to have flexibility to be able to drive a plurality of different components, which are mechanically coupled in turn to the drive motors. The invention of claim 1 takes a vastly different approach which allows simplification of the construction of the guide block and, importantly, improved accuracy.

Discussion re: Patentability of Claims 3-9

Each of claims 3-9 depends directly or indirectly from claim 1. As a result, each of claims 3-9 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1.

III. Rejection under 35 U.S.C. § 103

Claims 1, 2, 4-6, 8, and 10-13 are not unpatentable under 35 U.S.C. § 103 as being obvious over DeOrio in view of Hauri

Discussion Regarding Patentability of Claim 1

Proposed Combination Lacks Position Indicator as Called for in Claim 1

Claim 1 recites the following limitations:

"a guide block which comprises:

...

d. at least one position indicator which is *supported by* and fixed relative to the guide part." (Emphasis added.)

As discussed in detail above, Hauri does not disclose a system that includes "at least one position indicator which is supported by and fixed relative to the guide part." Significantly, Hauri's position indicator is located several components upstream in the system which injects the likelihood of error into any position determination being made by such a system. Furthermore, DeOrio does not teach a system in which "at least one position indicator which is supported by and fixed relative to the guide part." Indeed, the Office Action does not even contain such an allegation, but merely states that "DeOrio fails to disclose the device further comprising a computer assistance mechanism and a cutting tool." Thus, even if it would have been obvious to combine Hauri and DeOrio as proposed in the Office Action, the resulting combination would not arrive at a system that possesses "at least one position indicator which is supported by and fixed relative to the guide part." Thus, the proposed combination of Hauri and DeOrio does not arrive at the

invention of claim 1. Accordingly, the proposed combination of Hauri and DeOrio would not establish a prima facie case of obviousness under 35 U.S.C. § 103 with regard to the invention of claim 1.

Proposed Combination Lacks Position Monitor as Called for in Claim 1

Claim 1 also recites the following limitations:

> "at least one position monitor configured to track the location of the position indicator, so that the position of the guide part relative to a reference point can be determined."

Further, as discussed in detail above, Hauri does not disclose a system that includes "at least one position monitor configured to track the location of the position indicator, so that the position of the guide part relative to a reference point can be determined." Significantly, Hauri's sensors 17f are not "configured to track the location of the base bar 10g (equated with the position indicator) so that the position of the sawing jig 11 (equated with the guide part) relative to a reference point can be determined." Rather, the base bar 10g (without the adapter part 10h or sawing jig 11 secured thereto) is moved to contact the front of the femur 1 *so that the position of the front of the femur can be determined*. Thus, even if it would have been obvious to combine Hauri and DeOrio as proposed in the Office Action, the resulting combination would not arrive at a system that possesses "at least one position monitor configured to track the location of the position indicator, so that the position of the guide part relative to a reference point can be determined." Thus, the proposed combination of Hauri and DeOrio further does not arrive at the invention of claim 1. Accordingly, the proposed combination of Hauri and

DeOrio would further not establish a prima facie case of obviousness under 35 U.S.C. § 103 with regard to the invention of claim 1.

Discussion re: Patentability of Claims 2, 4-6, 8, and 10-13

Each of claims 2, 4-6, 8, and 10-13 depends directly or indirectly from claim 1. As a result, each of claims 2, 4-6, 8, and 10-13 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1.

IV. Conclusion

Claims 1-13 do not fail to comply with the written description requirement under 35 U.S.C. § 112, and the Board of Appeals is respectfully requested to reverse this rejection of these claims.

Claims 1 and 3-9 are not unpatentable under 35 U.S.C. § 102 as being anticipated by Hauri, and the Board of Appeals is respectfully requested to reverse this rejection of these claim.

Claims 1, 2, 4-6, 8, and 10-13 are not unpatentable under 35 U.S.C. § 103 as being obvious over DeOrio in view of Hauri, and the Board of Appeals is respectfully requested to reverse this rejection of this claim.

Respectfully submitted,

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September 16, 2010

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(8) CLAIM APPENDIX

1. A surgical assembly comprising:

a guide block which comprises:

a. a fixation part configured to be fastened directly to a patient's tissue, and

b. a guide part having at least one tool engagement guide surface, the guide part being mounted in relation to the fixation part,

c. at least two drives configured to adjust the position of the guide part relative to the fixation part, so that the position of the guide part relative to the fixation part can be adjusted in at least two degrees of freedom, and

d. at least one position indicator which is supported by and fixed relative to the guide part,

at least one position monitor configured to track the location of the position indicator, so that the position of the guide part relative to a reference point can be determined,

a signal generator which is connected to the drives and configured to generate position signals which are transmitted to the drives to cause the guide part to be moved relative to the fixation part to a desired position relative to the reference point; and

a surgical tool having a bone contacting cutting structure positioned in engagement with the tool engagement guide surface of the guide part during use of the surgical tool.

2. A surgical assembly as claimed in claim 1, in which the guide block includes at least three drives configured to adjust the position of the guide part relative to the fixation part, so that the position of the guide part relative to the fixation part can be adjusted in at least three degrees of freedom.

3. A surgical assembly as claimed in claim 1, in which the fixation part of the guide block includes a housing which is hollow, and in which the drives are located inside the housing.

4. A surgical assembly as claimed in claim 1, in which the guide block includes connector shafts which extend from the fixation part to the guide part, which are moved relative to the fixation part by respective ones of the drives to cause the location of the guide part to be adjusted.

5. A surgical assembly as claimed in claim 1, in which the fixation part includes means for adjusting the drives which are accessible from outside the housing.

6. A surgical assembly as claimed in claim 1, in which the bone contacting cutting structure of the surgical tool is a saw blade.

7. A surgical assembly as claimed in claim 1, in which the bone contacting cutting structure of the surgical tool is a drill bit.

8. A surgical assembly as claimed in claim 1, in which the fixation part has at least one opening extending through it in which a fastener can be located for fixing the fixation part to the patient's tissue.

9. A surgical assembly as claimed in claim 8, in which the fixation part has a plurality of openings extending through it in which fasteners can be located for fixing the fixation part to the patient's tissue.

10. A surgical assembly as claimed in claim 1, in which at least one of the drives includes at least one threaded shaft on one of the fixation part and the guide part, and a threaded bore in the other of the fixation part and the guide part in which the threaded shaft can be received, in which the position of the guide part relative to the fixation part can be adjusted by rotating the at least one threaded shaft relative to the threaded bore.

11. A surgical assembly as claimed in claim 10, in which the at least one of the drives includes a knob which can be engaged manually to cause relative rotation between the at least one threaded shaft and the threaded bore.

12. A surgical assembly as claimed in claim 10, in which the guide block further includes an electric motor configured to cause relative rotation between the at least one threaded shaft and the threaded bore.

13. A surgical assembly as claimed in claim 10, in which the guide block further includes a flexible drive shaft connected to the guide part, through which rotational motion can be imparted to the guide part from a remote location to cause relative rotation between the at least one threaded shaft and the threaded bore.

(9) EVIDENCE APPENDIX

None.

(10) RELATED PROCEEDINGS APPENDIX

None.